IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.1264 of 2007

Shiva Muddu Shetty ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr P. P. Runwal for the applicant.
Ms M. M. Deshmukh, APP for the State.
Mr Rajesh Marawoor for the Respondent No.2.

CORAM: V.C. DAGA,J.
DATED: 16TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.

2. Perused application and material available on record.

3. There is a dispute between father and son. The applicant is 80 years old. He had purchased one property in the year 1977 in his own name and in the name of his the then minor son; namely, the present complainant.

4. It appears that he had disposed of the said property by registered sale deed styling, himself as owner and as the power of attorney holder of the complainant, the execution of which the complainant is denying. He is

alleging forgery against his father.

5. As a matter of fact, prima facie, the property sold was a self-acquired property of the applicant himself. The name of the complainant in the sale deed appears to have been mentioned, being a son though no consideration was contributed by him. Thus, taking into account the nature of the property and the offence alleged, I do not think that custody of the applicant is necessary.

6. In the above view of the matter, the applicant is granted bail in the sum of Rs. 5,000/- with one surety to make up the said amount in C.R.No.43 of 2007 on the following conditions:

(a) that he should report to Police Station, Sangola, District Sholapur as and when called.

(b) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

7. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)